cf 151

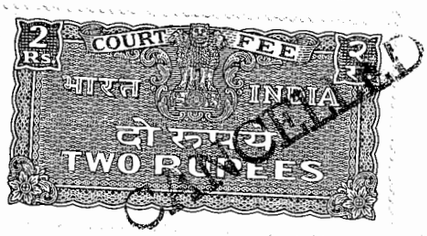
(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

C.R.NO....159.....OF 2003.

Single Bench

APPLICANTS
CLAIMANTS



1. Lakho,
S/o. late Kandake, 55 years.

2. Smt. Sanaki,
W/o. Lakho, 50 years,

3. Smt. Sudari,
W/o. late Chandru, 25 years.

4. Ku. Munni,
D/o. late Chandru, 3 years.

Applicant no. 4 through Next friend natural Guardian app.no.1

All R/o. vill. Pinkonda,
P.S. Mirtur, Post Nelasnaar,
Distt. Dantewada (C.G.).

P. R. No. 13/4/03
Presented by Shri R.P. Bajpayee
dated 16.04.03

V E R S U S

NON-APPLICANTS :

1. Pramil Kumar Bajpayee
S/o. Shri R.P. Bajpayee,
R/o. Lal Bagh, Amaguda,
Jagdalpur.

2. R.P. Jangel,
S/o. Nirmal Kumar Jangel,
R/o. 4/58 Irrigation Colony,
Jagdalpur, Distt. Bastar.

3. The United Insurance co.ltd.
Anupama Chowk Main Road,
Jagdalpur, Distt. Bastar (C.G.).

CIVIL REVISION U/S.115 OF THE CIVIL PROCEDURE CODE.

contd...2...

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

(10)

C.R 159

मामला क्रमांक ..... सन् 2003

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	04.07.2003 Shri Praful Bharat, counsel for the petitioners. Heard. It is submitted that on 1.3.2002 one Hemla Chandru was traveling in a Vehicle bearing Regn.no. M.P.25/B-0031 and the said vehicle out of rash and negligent driving turned turtle where Hemla Chandru died. The applicants herein being legal representatives of the deceased filed an application u/s 140 of the Motor Vehicles Act claiming compensation. The learned Motor Accident Claims Tribunal after considering the application, granted interim compensation of Rs.50,000/- The said amount was deposited by the Insurance Company. The learned Tribunal directed that Rs.20,000/- be kept in a fixed deposit in the name of applicant no.4, the daughter of deceased and the remainder be kept in a savings account of non-applicants no.1 to 3 and they can withdraw Rs.2000/- only per month. Learned counsel for the petitioner submits that the Tribunal has granted the interim compensation of Rs.50,000/- and that the amount paid under no-fault liability cannot be directed to be kept in fixed deposit in view of the provisions contained in Section 140 of the Motor Vehicles Act and Rule 228 of the Act which provide succor to	

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक C.R.NO. 159 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the legal heirs of the deceased immediately and the direction of the Tribunal to deposit the amount in fixed deposit would frustrate the very purpose for which the provisions have been made. He further submits that the applicants are in dire need of money. Learned counsel for the petitioner relied on a decision of this Court reported in 2002(2) CGLJ 159 *(Gajaropan Yadav & Another –Vs- T.S. Singhdeo & others).*

Having considered the facts and circumstances of the case, material on record and in view of the aforesaid judgment, it is directed that the amount deposited by the Insurance Company be immediately disbursed to the applicants by an account payee Cheque/ Demand Draft.

With the direction aforesaid, the petition is disposed of finally.

In view of the above order, I.A.No.4282/03 for urgent hearing also stands disposed of.

C.C. as per rules.

Sd/-
Fakhruddin
Judge

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